

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	WT Docket No. 08-60
Request of Progeny LMS, LLC for a Four-)	
Year Extension of the Five–Year and Ten-)	File Nos. 0003422772-
Year Construction Requirement for its)	0003422999 and
Multilateration Location and Monitoring)	0003423004-0003423231
Services Economic Area Licenses)	

To: Office of the Secretary, FCC
Attention: Chief, Wireless Telecommunications Bureau

Reply Comments^{1/2}

SFA hereby submit their reply comments on Progeny 2’s 2nd Extension Request.

The Wireless Communications Association International, Inc. (“WCA”) did not explain its interest in this matter, or why in the public interest the Progeny request should be granted, other than in the most general terms and by solely restating Progeny’s own assertions. At no point does it comment on the substance of the 2nd Extension Request or on the absence of publicly available due diligence to assess the merit of the 2nd Extension Request. Since the public does not have Progeny’s alleged due diligence showing, this public comments proceeding has little meaning and hence WCA’s comments too. Also, WCA completely ignored the purpose of LMS-M and its classification under Subpart M as an Intelligent Transportation System radio service. Thus, its comments do not provide support for grant of the Progeny 2 2nd Extension Request.

IEEE 802.18, the Radio Regulatory Technical Advisory Group (“RRTAG”) in its comments completely ignored the purpose of LMS-M and its classification under Subpart

¹ These reply comments are being filed via ECFS as specified in the FCC’s Public Notice, DA 08-1027, and also under the designated lead File No. 0003422772.

² The capitalized and defined terms used herein have the same meaning as in Skybridge Foundation and Associates’ (SFA) Comments.

M as an Intelligent Transportation System radio service. It suggested that GPS solves the purposes for which LMS-M was created, but that is not the case at all. There is no need in this proceeding to reassert the hundreds of pages that SFA filed in the LMS-M NPRM in support of LMS-M as an ITS radio service, including the need for multilateration to greatly improve accuracy and reliability of GPS needed for lane-based and other essential ITS applications. This filed support included support from ITS America, ITS California, University of California's CCIT ITS center funded by the State of California, leading researchers in ITS, and others, and these in turn cited summaries from experts addressing the need of GPS augmentation, specifically including terrestrial multilateration, in a meeting organized by US DOT RITA (also included as a download at http://web.mac.com/warrenhavens/iWeb/Site%202/ITS%20Location-1_files/Rita.Pnt.Trans.Worshop.%2706.pdf). Thus, RRTAG's comments lack or avoid the purpose of LMS-M and the facts in the record. The record is not merely what Progeny has in its 2nd Extension Request, but the related NPRM, 06-49, and before that RM-10403. While the 2nd Extension Request should be denied for reasons SFA gave in their petition to deny and related Comments, it should not be denied due to the reasons given by RRTAG. Also, RRTAG's request to "withdraw the allocation for the M-LMS service" is inappropriate and beyond the scope of this proceeding and therefore should be dismissed.

The LMS-M radio service was intelligently designed for future ITS radiolocation and tightly associated communication on the open roadways, and to maintain an environment that allows Part 15 use of the spectrum at low power and short ranges. This maximizes use of the spectrum, and is a worthy model for other bands as well. There is

no reason it can not fully succeed. ITS is developing worldwide and in the US and requires the ITS radio services including LMS-M. Progeny, WCA and RRTAG all avoid these matters, and thus none are in the public interest.

SFA notes that no comments were filed by any other LMS-M licensees.

As SFA noted in its comments, it seems reasonable for the Commission to grant a blanket extension to all LMS-M licenses it deems currently valid for a substantial number of years past the date of a decision on the LMS-M NPRM since without such a decision no licensee has certainty of the rules under which it must meet a construction requirement and under which it is permitted to provide additional services, including the technical parameters upon which equipment must be designed and manufactured and systems deployed.³.

Request to Release Publicly Progeny Alleged Due Diligence Filed Confidentially

SFA repeats its request that the Commission release Progeny's alleged due diligence to the public and then provide for a meaningful comment and reply comment period.

[Execution follows on next page]

³ SFA has nevertheless continuously engaged, at high cost, with substantial progress, in design of equipment, systems and service under the current rules since they are appropriate for wide area ITS radio service, which is an entirely needed and viable radio service to the nation. It is the required multilateralization that will supplement GPS in a manner required by ITS regional networks that is the essence of the LMS-M radio service under Commission rules and the extensive Commission rulemaking proceeding in the 1990s, which favorably commented on the ITS radio services to be developed in the future in the U.S.

Respectfully,

[\[Submitted Electronically. Signature on File\]](#)

Warren C. Havens, Individually and as President of
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June 19, 2008